

REMARKS

Claims 1-22 are pending in the above-identified application. Support for new claims 17-22 is found in original claims 4, 5, 14 and 6-8, respectfully. Otherwise, the claims have been amended in order to address the objections raised in the Office Action of August 17, 2006 as described below.

Removal of Bases for Rejections under 35 USC 112

Claims 4-9 and 14 have been rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Claims 4-9 and 14 have been objected to based on the reasons indicated at page 2 of the Office Action. Claims 4-9 have been amended so as to delete the phrases objected to in the Office Action. Claim 14 has been amended so as to recite that the claimed composition "is" obtained according to the recited process. It is submit that all of the presently pending claims comply with all of the requirements under 35 USC 112, such that this rejection should now be withdrawn.

Submission of Verified English Translation of Priority Application

Applicant hereby submits a Verified English Translation of the Priority Application, i.e., French Patent Application No. 0211351 filed in France on September 12, 2002. It is submitted that the disclosure of this translated application fully supports all of the claims of the present application, such that all of these claims receive the benefit of priority back to September 12, 2002 under 35 USC 119. Consequently, any references having any effective prior art date after September 12, 2002 are no longer effective prior art references.

In accordance with the above facts, it is submitted that the cited reference Belle '418 (FR 2 832 418) has been removed as effective prior art under 35 USC 102 and 103. The publication date of Belle '418 is May 23, 2003, which is later than the perfected priority date of the claims of the present application of September 12, 2002 as indicated above. Therefore, it is submitted that Belle '418 should be removed as the basis of any prior art rejection.

Issued under 35 USC 103(a)

Claims 1-19 have been rejected under 35 USC 103(a) as being unpatentable over Belle '418, Duranton '421 (USP 6,465,421), Francis '748 (USP 5,695,748), and Segelman '893 (USP 6,017,893). These rejections are traversed based on the following reasons.

Belle '418 has been removed as a basis for any prior art rejection as indicated above.

Duranton '421 discloses a method for promoting hair growth with employs lipoxxygenase inhibitors, such as borage oil, as noted at columns 2 and 6.

Francis '748 discloses a composition and process for the treatment and restoration of hair which employs “nettles” as noted, for example, at column 3, lines 9-31.

Segelman '893 discloses a composition for preventing and treating hair loss which employs isoflavones that may be derived from soy beans as indicated at column 1 and 4.

All of Duranton '421, Francis 748 and Segelman 893 fail to disclose or suggest the use of marrow oil in a composition, as recited in present claim 1 and required by all of the presently pending claims. Thus, the above-noted rejection fails to support an allegation of obviousness under 35 USC 103(a), since the applicable cited references fail to disclose all of the elements recited in the present claims. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 Fed. Cir. 1991). Consequently, it is requested that the above-noted rejection be withdrawn.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

Application No. 10/527,810
Amendment dated November 17, 2006
Reply to Office Action of August 17, 2006

Docket No.: 3493-0147PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 17, 2006

Respectfully submitted,

By 

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Enclosure: Verified English Translation of Priority French Application No. 0211351